

An Administrative Order  
Office of the Mayor  
City of Atlanta

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Administrative Order No. 2019-

05

**OFFICE OF THE MAYOR**  
**AN ADMINISTRATIVE ORDER NUMBER 2019-** 05

**AN ADMINISTRATIVE ORDER DIRECTING THE CHIEF OPERATING OFFICER TO COORDINATE WITH THE CITY ATTORNEY, THE CITY SOLICITOR, AND THE CHIEF JUDGE OF THE MUNICIPAL COURT OF ATLANTA, TO ESTABLISH AND PROMULGATE A PROCESS BY WHICH PERSONS WHO HAVE BEEN CHARGED WITH THE STATE OR MUNICIPAL OFFENSE OF POSSESSION OF MARIJUANA LESS THAN ONE OUNCE OR WHO WERE CHARGED WITH A VIOLATION OF 106-81 (6) PRIOR TO ITS REPEAL ON MARCH 27, 2007, WHICH WERE ADJUDICATED IN THE MUNICIPAL COURT OF ATLANTA, MAY EFFICIENTLY SEEK THE RESTRICTION OF THE RECORDS OF THESE OFFENSES IN ACCORDANCE WITH STATE LAW; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Atlanta has an interest in maintaining the public safety and general welfare of citizens of the City of Atlanta and its visitors; and

**WHEREAS**, Chapter 106 (Offenses and Miscellaneous Provisions) of the City of Atlanta Code of Ordinances contains quasi-criminal offenses adopted in accordance with the City's police powers; and

**WHEREAS**, City of Atlanta Code Section 106-182 prohibits the possession of one ounce or less of marijuana; and

**WHEREAS**, in 2017 the City of Atlanta passed Ordinance 17-O-1152 which revised the maximum penalties by the Municipal Court of Atlanta for individuals in possession of less than one ounce of Marijuana; and

**WHEREAS**, pursuant 17-O-1152, City Code Section 106-182 was amended to specifically provide that a person convicted of a violation of Section 106-182 shall be punished by a fine not exceeding \$75.00, and shall not be punishable by a term of any imprisonment; and

**WHEREAS**, additionally, the Municipal Court of the City of Atlanta is granted jurisdiction to try and dispose of cases where a person is charged with the state crime of possession of one ounce or less of marijuana, (OCGA § 16-13-2(b)), if the offense occurred within the corporate limits of the City, concurrent with the jurisdiction of the appropriate county courts having jurisdiction to try and dispose of such cases (OCGA § 36-32-6(a)); and

**WHEREAS**, due to constitutional concerns, and a desire to address its negative impact on communities, on March 19, 2007 the Atlanta City Council adopted and on March 27, 2007, Mayor Shirley Franklin approved, Ordinance 07-O-0489 which repealed subsection six (6) of the City's Disorderly Conduct Ordinance (City Code Section 106-81(6)), commonly known as "DC – (6)"; and

**WHEREAS**, prior to this repeal, DC-6 made it unlawful for any person within the corporate limits of the city to

[b]e in or about any place where gaming or the illegal sale or possession of alcoholic beverages or narcotics or dangerous drugs is practiced, allowed or tolerated, for the purpose of or intent to engage in gaming or the purchase, use, possession or consumption of such illegal drugs, narcotics or alcoholic beverages

and;

**WHEREAS**, prior to the March 27, 2007 repeal of DC-6, a person found in violation thereof would be subject to punishment by a fine not exceeding \$1,000.00, imprisonment for a term not exceeding six months, work on the public streets or on public works of the city for not more than six months or any combination thereof; and

**WHEREAS**, OCGA § 35-3-37 provides a process by which eligible records on an official criminal history report are restricted from public view and are only accessible to law enforcement for criminal justice purposes; and

**WHEREAS**, it is the desire of the City of Atlanta to promote policies which support the movement towards the decriminalization of the possession of marijuana less than one ounce; and also, to help to address the historical injustices resulting from the City's application of DC-6 prior to its repeal; and

**WHEREAS**, attendant therewith, there exists a need for the City of Atlanta to establish and promulgate a process by which persons who have been charged in the Municipal Court of Atlanta with the state or municipal offense of possession of marijuana less than one ounce, or who were charged with a violation of DC-6 prior to its repeal on March 27, 2007, may efficiently seek the restriction of the records of these offenses in accordance with state law.

**NOW, THEREFORE, BY THE POWER VESTED IN ME AS MAYOR OF THE CITY OF ATLANTA**, pursuant to Section 3-104 of the City of Atlanta Charter and Section 2-182(4) of the City of Atlanta Code of Ordinances, it is hereby ordered as follows:


**SECTION 1:** The Chief Operating Officer is hereby directed to coordinate with the City Attorney, the City Solicitor, and the Chief Judge of the Municipal Court of Atlanta to establish and promulgate a process by which persons who have been charged with the state or municipal offense of possession of marijuana less than one ounce, which were adjudicated in the

Municipal Court of Atlanta, may efficiently seek the restriction of the records of these offenses in accordance with state law.

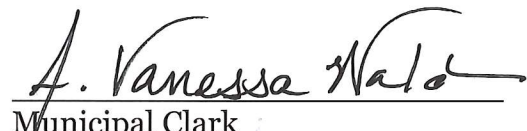
**SECTION 2:** Additionally, the Chief Operating Officer is hereby directed to coordinate with the City Attorney, the City Solicitor, and the Chief Judge of the Municipal Court of Atlanta to establish and promulgate a process by which persons who were charged with a violation of DC-6 prior to its repeal on March 27, 2007, which were adjudicated in the Municipal Court of Atlanta, may efficiently seek the restriction of the records of this offense in accordance with state law.

**SECTION 3:** These processes shall be established and promulgated by no later than February 1, 2020.

SO ORDERED this 16<sup>th</sup> day of December, 2019.

  
Keisha Lance Bottoms  
Mayor

ATTESTED:

  
Municipal Clerk

A. Vanessa Waldon  
Deputy Municipal Clerk